

Amend CSSB 2943 (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 101A to read as follows:

CHAPTER 101A. DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 101A.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Workforce Commission.

(2) "Complainant" means an individual who brings an action or proceeding under this chapter.

(3) "Discriminatory practice" means an act prohibited by this chapter.

(4) "Executive director" means the executive director of the commission.

(5) "Gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual with or without regard to the individual's designated sex at birth.

(6) "Military veteran" means a person who:

(A) has served in:

(i) the armed forces of the United States or the United States Public Health Service under 42 U.S.C. Section 201 et seq.;

(ii) the state military forces, as defined by Section 431.001, Government Code; or

(iii) an auxiliary service of a branch of the armed forces described by Subparagraph (i) or (ii); and

(B) has been honorably discharged from the branch of the service in which the person served.

(7) "Person" means:

(A) an individual;

(B) a corporation, partnership, association, unincorporated organization, labor organization, mutual company, joint-stock company, and trust; and

(C) a legal representative, a trustee, a trustee

in a case under Title 11, U.S.C., a receiver, and a fiduciary.

(8) "Public accommodation" means a business or other entity that offers to the public any good, service, privilege, facility, or accommodation.

(9) "Respondent" means a person charged in a complaint filed under this chapter.

(10) "Sexual orientation" means an individual's actual or perceived heterosexuality, bisexuality, or homosexuality.

Sec. 101A.002. RULES. The commission may adopt rules necessary to implement this chapter.

#### SUBCHAPTER B. DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED

Sec. 101A.051. PUBLIC ACCOMMODATIONS. (a) A person engages in a discriminatory practice and violates this chapter if the person, because of the race, color, disability, religion, sex, national origin, age, sexual orientation, or gender identity of an individual, or because of the individual's status as a military veteran:

(1) refuses, withholds, or denies that individual full and equal accommodation in any place of public accommodation in this state;

(2) publishes, circulates, issues, displays, posts, or mails, either directly or indirectly, any communication, notice, or advertisement to the effect that any good, service, privilege, facility, or accommodation of a place of public accommodation in this state will be refused, withheld, or denied; or

(3) otherwise discriminates against or segregates or separates the individual in a place of public accommodation based on race, color, disability, religion, sex, national origin, age, sexual orientation, or gender identity or based on the individual's status as a military veteran.

(b) This section does not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association, or society that is not in fact open to the public, or any other establishment that is not in fact open to the public.

(c) This section does not prohibit the provision of a special benefit, incentive, discount, or promotion through a

private or public program to assist persons who:

(1) are 50 years of age or older; or

(2) are military veterans or family members of military veterans.

(d) This section does not supersede or interfere with any state law or local ordinance that prohibits a person under the age of 21 from entering a place of public accommodation.

#### SUBCHAPTER C. ADMINISTRATIVE ENFORCEMENT

Sec. 101A.101. FILING OF COMPLAINT; FORM AND CONTENT; SERVICE. (a) A person claiming to be aggrieved by an alleged discriminatory practice or the person's agent may file a complaint with the commission.

(b) The complaint must be in writing and made under oath.

(c) The complaint must state:

(1) that a discriminatory practice has been committed;

(2) the facts on which the complaint is based, including the date, place, and circumstances of the alleged discriminatory practice; and

(3) facts sufficient to enable the commission to identify the respondent.

(d) The executive director or the executive director's designee shall serve the respondent with a copy of the perfected complaint not later than the 10th day after the date the complaint is filed.

(e) A complaint may be amended to cure technical defects or omissions, including a failure to verify the complaint or to clarify and amplify an allegation made in the complaint.

(f) An amendment to a complaint alleging additional facts that constitute discriminatory practices relating to or arising from the subject matter of the original complaint relates back to the date the complaint was first received by the commission.

(g) If a perfected complaint is not received by the commission on or before the 180th day after the date the alleged discriminatory practice occurred, the commission shall notify the respondent that a complaint has been filed and that the process of perfecting the complaint is in progress.

Sec. 101A.102. STATUTE OF LIMITATIONS. (a) A complaint

under this subchapter must be filed not later than the 180th day after the date the alleged discriminatory practice occurred.

(b) The commission shall dismiss an untimely complaint.

Sec. 101A.103. ALTERNATIVE DISPUTE RESOLUTION; OFFICE.

(a) The use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, fact-finding, minitrials, and arbitration, is encouraged to resolve disputes arising under this chapter. The settlement of a disputed claim under this chapter that results from the use of traditional or alternative means of dispute resolution is binding on the parties to the claim.

(b) The commission shall establish an office of alternative dispute resolution. At any time after a complaint is received under Section 101A.101, at the request of a party or at the direction of the commission, the matter may be referred to the office of alternative dispute resolution.

Sec. 101A.104. INVESTIGATION BY COMMISSION. (a) The executive director or a staff member of the commission designated by the executive director shall investigate a complaint and determine if there is reasonable cause to believe that the respondent engaged in a discriminatory practice as alleged in the complaint.

(b) If the federal government has referred the complaint to the commission or has deferred jurisdiction over the subject matter of the complaint to the commission, the executive director or the executive director's designee shall promptly investigate the allegations stated in the complaint.

Sec. 101A.105. LACK OF REASONABLE CAUSE; DISMISSAL OF COMPLAINT. (a) If after investigation the executive director or the executive director's designee determines that reasonable cause does not exist to believe that the respondent engaged in a discriminatory practice as alleged in a complaint, the executive director or the executive director's designee shall issue a written determination, incorporating the finding that the evidence does not support the complaint and dismissing the complaint.

(b) The executive director or the executive director's designee shall serve a copy of the determination on the

complainant, the respondent, and other agencies as required by law.

Sec. 101A.106. DETERMINATION OF REASONABLE CAUSE; REVIEW BY COMMISSION. (a) If after investigation the executive director or the executive director's designee determines that there is reasonable cause to believe that the respondent engaged in a discriminatory practice as alleged in a complaint, the executive director or the executive director's designee shall review with the commission members the evidence in the record.

(b) If after the review at least two of the three commission members determine that there is reasonable cause to believe that the respondent engaged in a discriminatory practice, the executive director shall:

(1) issue a written determination incorporating the executive director's finding that the evidence supports the complaint; and

(2) serve a copy of the determination on the complainant, the respondent, and other agencies as required by law.

Sec. 101A.107. RESOLUTION BY INFORMAL METHODS. (a) If a determination of reasonable cause is made under Section 101A.106, the commission shall endeavor to eliminate the alleged discriminatory practice by informal methods of conference, conciliation, and persuasion.

(b) Without the written consent of the complainant and respondent, the commission, its executive director, or its other officers or employees may not disclose to the public information about the efforts in a particular case to resolve an alleged discriminatory practice by conference, conciliation, or persuasion, regardless of whether there is a determination of reasonable cause.

Sec. 101A.108. NOTICE OF DISMISSAL OR UNRESOLVED COMPLAINT. If the commission dismisses a complaint filed under Section 101A.101 or does not resolve the complaint before the 181st day after the date the complaint was filed, the commission shall inform the complainant of the dismissal or failure to resolve the complaint in writing by certified mail.

Sec. 101A.109. TEMPORARY INJUNCTIVE RELIEF. (a) If the commission concludes from a preliminary investigation of a

discriminatory practice alleged in a complaint that prompt judicial action is necessary to carry out the purpose of this chapter, the commission shall file a petition seeking appropriate temporary relief against the respondent pending final determination of a proceeding under this chapter.

(b) The petition shall be filed in a district court in a county in which:

(1) the alleged discriminatory practice that is the subject of the complaint occurred; or

(2) the respondent resides.

(c) A court may not issue temporary injunctive relief unless the commission shows:

(1) a substantial likelihood of success on the merits; and

(2) irreparable harm to the complainant in the absence of the preliminary relief pending final determination on the merits.

Sec. 101A.110. ELECTION OF REMEDIES. A person who has initiated a court action or who has an action pending before an administrative agency under other law or an order or ordinance of a political subdivision of this state based on an act that would be a discriminatory practice under this chapter may not file a complaint under this subchapter for the same grievance.

#### SUBCHAPTER D. JUDICIAL ENFORCEMENT

Sec. 101A.151. CIVIL ACTION BY COMMISSION. (a) The commission may bring a civil action against a respondent if:

(1) the commission determines that there is reasonable cause to believe that the respondent engaged in a discriminatory practice;

(2) the commission's efforts to resolve the alleged discriminatory practice to the satisfaction of the complainant and respondent through conciliation have been unsuccessful; and

(3) a majority of the commissioners determines that the civil action may achieve the purposes of this chapter.

(b) The complainant may intervene in a civil action brought by the commission.

Sec. 101A.152. NOTICE OF COMPLAINANT'S RIGHT TO FILE CIVIL

ACTION. (a) A complainant who receives notice under Section 101A.108 that the complaint is dismissed or not resolved is entitled to request from the commission a written notice of the complainant's right to file a civil action.

(b) The complainant must request the notice in writing.

(c) The executive director may issue the notice.

(d) Failure to issue the notice of a complainant's right to file a civil action does not affect the complainant's right under this subchapter to bring a civil action against the respondent.

Sec. 101A.153. CIVIL ACTION BY COMPLAINANT. (a) Not later than the 60th day after the date a notice of the right to file a civil action is received, the complainant may bring a civil action against the respondent.

(b) If the commission fails to issue notice of the complainant's right to file a civil action before the 181st day after the date the commission receives a written request under Section 101A.152, the complainant may bring a civil action against the respondent any time within the statute of limitations described by Section 101A.155.

Sec. 101A.154. COMMISSION'S INTERVENTION IN CIVIL ACTION BY COMPLAINANT. After receipt of a timely application, a court may permit the commission to intervene in a civil action filed under Section 101A.153 if:

(1) the commission certifies that the case is of general public importance; and

(2) before commencement of the action the commission issued a determination of reasonable cause to believe that this chapter was violated.

Sec. 101A.155. STATUTE OF LIMITATIONS. A civil action may not be brought under this subchapter later than the second anniversary of the date the complaint relating to the action is filed.

Sec. 101A.156. ASSIGNMENT TO EARLY HEARING. The court shall set an action brought under this subchapter for hearing at the earliest practicable date to expedite the action.

Sec. 101A.157. INJUNCTION; EQUITABLE RELIEF. On finding that a respondent engaged in a discriminatory practice as alleged

in a complaint, a court may:

(1) prohibit by injunction the respondent from engaging in the discriminatory practice; and

(2) order additional equitable relief as may be appropriate.

Sec. 101A.158. COMPENSATORY AND PUNITIVE DAMAGES. (a) On finding that a respondent engaged in a discriminatory practice as alleged in a complaint, a court may, as provided by this section, award:

(1) compensatory damages; and

(2) punitive damages.

(b) A complainant may recover punitive damages against a respondent, other than a respondent that is a governmental entity, if the complainant demonstrates that the respondent engaged in a discriminatory practice with malice or with reckless indifference to the state-protected rights of an aggrieved individual.

Sec. 101A.159. ATTORNEY'S FEES; COSTS. (a) In a proceeding under this chapter, a court may allow the prevailing party, other than the commission, a reasonable attorney's fee as part of the costs.

(b) The state, a state agency, or a political subdivision is liable for costs, including attorney's fees, to the same extent as a private person.

(c) In awarding costs and attorney's fees in an action or a proceeding under this chapter, the court, in its discretion, may include reasonable expert fees.

Sec. 101A.160. COMPELLED COMPLIANCE. If a person fails to comply with a court order issued under this subchapter, a party to the action or the commission, on the written request of a person aggrieved by the failure, may commence proceedings to compel compliance with the order.

Sec. 101A.161. TRIAL DE NOVO. (a) A judicial proceeding under this chapter is by trial de novo.

(b) A commission finding, recommendation, determination, or other action is not binding on a court.

#### SUBCHAPTER E. ENFORCEMENT BY ATTORNEY GENERAL

Sec. 101A.201. ENFORCEMENT BY ATTORNEY GENERAL; PATTERN OR



PRACTICE CASE. (a) If the commission determines that a person is engaged in a pattern or practice of discriminatory practices under this chapter or that an alleged violation raises an issue of general public importance, the commission may request the attorney general to file a civil action in district court for appropriate relief.

(b) In an action under this section, the court may:

(1) award equitable relief and other appropriate relief, including monetary damages, a reasonable attorney's fee, and court costs, available under Subchapter D for an action under that subchapter; and

(2) to vindicate the public interest, assess a civil penalty against the respondent in the amount not to exceed the applicable amounts prescribed by Section 301.132, Property Code, for a pattern or practice violation under the Texas Fair Housing Act.

SECTION \_\_\_\_\_. Section 21.002, Labor Code, is amended by adding Subdivisions (9-a), (11-b), and (13-a) to read as follows:

(9-a) "Gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual with or without regard to the individual's designated sex at birth.

(11-b) "Military veteran" means a person who:

(A) has served in:

(i) the armed forces of the United States or the United States Public Health Service under 42 U.S.C. Section 201 et seq.;

(ii) the state military forces, as defined by Section 431.001, Government Code; or

(iii) an auxiliary service of a branch of the armed forces described by Subparagraph (i) or (ii); and

(B) has been honorably discharged from the branch of the service in which the person served.

(13-a) "Sexual orientation" means an individual's actual or perceived heterosexuality, bisexuality, or homosexuality.

SECTION \_\_\_\_\_. Section 21.005, Labor Code, is amended by adding Subsection (d) to read as follows:

(d) A provision in this chapter prohibiting discrimination on the basis of an individual's status as a military veteran does not affect the operation or enforcement of a program under the laws of this state or the United States that is designed to give a preference to a military veteran in recognition of the veteran's service to this state or the United States, including a preference authorized under Section 302.154 or under Chapter 657, Government Code.

SECTION \_\_\_\_\_. Section 21.051, Labor Code, is amended to read as follows:

Sec. 21.051. DISCRIMINATION BY EMPLOYER. An employer commits an unlawful employment practice if because of race, color, disability, religion, sex, national origin, ~~[or]~~ age, sexual orientation, or gender identity, or because of the individual's status as a military veteran, the employer:

(1) fails or refuses to hire an individual, discharges an individual, or discriminates in any other manner against an individual in connection with compensation or the terms, conditions, or privileges of employment; or

(2) limits, segregates, or classifies an employee or applicant for employment in a manner that would deprive or tend to deprive an individual of any employment opportunity or adversely affect in any other manner the status of an employee.

SECTION \_\_\_\_\_. Section 21.052, Labor Code, is amended to read as follows:

Sec. 21.052. DISCRIMINATION BY EMPLOYMENT AGENCY. An employment agency commits an unlawful employment practice if the employment agency:

(1) fails or refuses to refer for employment or discriminates in any other manner against an individual because of race, color, disability, religion, sex, national origin, ~~[or]~~ age, sexual orientation, or gender identity, or because of the individual's status as a military veteran; or

(2) classifies or refers an individual for employment on the basis of race, color, disability, religion, sex, national origin, ~~[or]~~ age, sexual orientation, or gender identity, or because of the individual's status as a military veteran.

SECTION \_\_\_\_\_. Section 21.053, Labor Code, is amended to read as follows:

Sec. 21.053. DISCRIMINATION BY LABOR ORGANIZATION. A labor organization commits an unlawful employment practice if because of race, color, disability, religion, sex, national origin, ~~[or]~~ age, sexual orientation, or gender identity, or because of the individual's status as a military veteran, the labor organization:

(1) excludes or expels from membership or discriminates in any other manner against an individual; or

(2) limits, segregates, or classifies a member or an applicant for membership or classifies or fails or refuses to refer for employment an individual in a manner that would:

(A) deprive or tend to deprive an individual of any employment opportunity;

(B) limit an employment opportunity or adversely affect in any other manner the status of an employee or of an applicant for employment; or

(C) cause or attempt to cause an employer to violate this subchapter.

SECTION \_\_\_\_\_. Section 21.054, Labor Code, is amended to read as follows:

Sec. 21.054. ADMISSION OR PARTICIPATION IN TRAINING PROGRAM. ~~[(a)]~~ Unless a training or retraining opportunity or program is provided under an affirmative action plan approved under a federal law, rule, or order, an employer, labor organization, or joint labor-management committee controlling an apprenticeship, on-the-job training, or other training or retraining program commits an unlawful employment practice if the employer, labor organization, or committee discriminates against an individual because of race, color, disability, religion, sex, national origin, ~~[or]~~ age, sexual orientation, or gender identity, or because of the individual's status as a military veteran, in admission to or participation in the program.

SECTION \_\_\_\_\_. Section 21.059(a), Labor Code, is amended to read as follows:

(a) An employer, labor organization, employment agency, or joint labor-management committee controlling an apprenticeship,

on-the-job training, or other training or retraining program commits an unlawful employment practice if the employer, labor organization, employment agency, or committee prints or publishes or causes to be printed or published a notice or advertisement relating to employment that:

(1) indicates a preference, limitation, specification, or discrimination based on race, color, disability, religion, sex, national origin, [~~or~~] age, sexual orientation, or gender identity, or based on an individual's status as a military veteran; and

(2) concerns an employee's status, employment, or admission to or membership or participation in a labor union or training or retraining program.

SECTION \_\_\_\_\_. Section 21.102(c), Labor Code, is amended to read as follows:

(c) This section does not apply to standards of compensation or terms, conditions, or privileges of employment that are discriminatory on the basis of race, color, disability, religion, sex, national origin, [~~or~~] age, sexual orientation, or gender identity, or on the basis of an individual's status as a military veteran.

SECTION \_\_\_\_\_. Section 21.112, Labor Code, is amended to read as follows:

Sec. 21.112. EMPLOYEES AT DIFFERENT LOCATIONS. An employer does not commit an unlawful employment practice by applying to employees who work in different locations different standards of compensation or different terms, conditions, or privileges of employment that are not discriminatory on the basis of race, color, disability, religion, sex, national origin, [~~or~~] age, sexual orientation, or gender identity, or on the basis of an individual's status as a military veteran.

SECTION \_\_\_\_\_. Section 21.113, Labor Code, is amended to read as follows:

Sec. 21.113. IMBALANCE PLAN NOT REQUIRED. This chapter does not require a person subject to this chapter to grant preferential treatment to an individual or a group on the basis of race, color, disability, religion, sex, national origin, [~~or~~] age,

sexual orientation, or gender identity, or on the basis of an individual's status as a military veteran, because of an imbalance between:

(1) the total number or percentage of persons of that individual's or group's race, color, disability, religion, sex, national origin, [~~or~~] age, sexual orientation, or gender identity, or the total number or percentage of individuals who are military veterans:

(A) employed by an employer;

(B) referred or classified for employment by an employment agency or labor organization;

(C) admitted to membership or classified by a labor organization; or

(D) admitted to or employed in an apprenticeship, on-the-job training, or other training or retraining program; and

(2) the total number or percentage of persons of that race, color, disability, religion, sex, national origin, [~~or~~] age, sexual orientation, or gender identity or the total number or percentage of individuals who are military veterans in:

(A) a community, this state, a region, or other area; or

(B) the available work force in a community, this state, a region, or other area.

SECTION \_\_\_\_\_. Section 21.120(b), Labor Code, is amended to read as follows:

(b) Subsection (a) does not apply to a policy adopted or applied with the intent to discriminate because of race, color, sex, national origin, religion, age, [~~or~~] disability, sexual orientation, or gender identity, or because of an individual's status as a military veteran.

SECTION \_\_\_\_\_. Section 21.122(a), Labor Code, is amended to read as follows:

(a) An unlawful employment practice based on disparate impact is established under this chapter only if:

(1) a complainant demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, sex, national origin, religion, [~~or~~]

disability, sexual orientation, or gender identity, or on the basis of an individual's status as a military veteran, and the respondent fails to demonstrate that the challenged practice is job-related for the position in question and consistent with business necessity; or

(2) the complainant makes the demonstration in accordance with federal law as that law existed June 4, 1989, with respect to the concept of alternative employment practices, and the respondent refuses to adopt such an alternative employment practice.

SECTION \_\_\_\_\_. Section 21.124, Labor Code, is amended to read as follows:

Sec. 21.124. PROHIBITION AGAINST DISCRIMINATORY USE OF TEST SCORES. (a) Except as provided by Subsection (b), it ~~It~~ is an unlawful employment practice for a respondent, in connection with the selection or referral of applicants for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of employment-related tests on the basis of race, color, sex, national origin, religion, age, ~~or~~ disability, sexual orientation, or gender identity, or on the basis of an individual's status as a military veteran.

(b) Subsection (a) does not apply to an act described by that subsection that is made in conjunction with a preference program for military veterans authorized under a law of this state or the United States.

SECTION \_\_\_\_\_. The heading to Section 21.125, Labor Code, is amended to read as follows:

Sec. 21.125. CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF RACE, COLOR, SEX, NATIONAL ORIGIN, RELIGION, AGE, ~~OR~~ DISABILITY, SEXUAL ORIENTATION, OR GENDER IDENTITY, OR STATUS AS MILITARY VETERAN, IN EMPLOYMENT PRACTICES.

SECTION \_\_\_\_\_. Section 21.125(a), Labor Code, is amended to read as follows:

(a) Except as otherwise provided by this chapter, an unlawful employment practice is established when the complainant demonstrates that race, color, sex, national origin, religion, age, ~~or~~ disability, sexual orientation, or gender identity, or status

as a military veteran, was a motivating factor for an employment practice, even if other factors also motivated the practice, unless race, color, sex, national origin, religion, age, ~~[or]~~ disability, sexual orientation, or gender identity, or status as a military veteran, is combined with objective job-related factors to attain diversity in the employer's work force.

SECTION \_\_\_\_\_. Section 21.126, Labor Code, is amended to read as follows:

Sec. 21.126. COVERAGE OF PREVIOUSLY EXEMPT EMPLOYEES OF THE STATE OR POLITICAL SUBDIVISION OF THE STATE. It is an unlawful employment practice for a person elected to public office in this state or a political subdivision of this state to discriminate because of race, color, sex, national origin, religion, age, ~~[or]~~ disability, sexual orientation, or gender identity, or because of the individual's status as a military veteran, against an individual who is an employee or applicant for employment to:

- (1) serve on the elected official's personal staff;
- (2) serve the elected official on a policy-making level; or
- (3) serve the elected official as an immediate advisor with respect to the exercise of the constitutional or legal powers of the office.

SECTION \_\_\_\_\_. Section 21.152(a), Labor Code, is amended to read as follows:

(a) A political subdivision or two or more political subdivisions acting jointly may create a local commission to:

- (1) promote the purposes of this chapter; and
- (2) secure for all individuals in the jurisdiction of each political subdivision freedom from discrimination because of race, color, disability, religion, sex, national origin, ~~[or]~~ age, sexual orientation, or gender identity, or because of an individual's status as a military veteran.

SECTION \_\_\_\_\_. Section 21.155(a), Labor Code, is amended to read as follows:

(a) The commission [~~Commission on Human Rights~~] shall refer a complaint concerning discrimination in employment because of race, color, disability, religion, sex, national origin, ~~[or]~~ age,

sexual orientation, or gender identity, or because of status as a military veteran, that is filed with that commission to a local commission with the necessary investigatory and conciliatory powers if:

(1) the complaint has been referred to the commission [~~Commission on Human Rights~~] by the federal government; or

(2) jurisdiction over the subject matter of the complaint has been deferred to the commission [~~Commission on Human Rights~~] by the federal government.

SECTION \_\_\_\_\_. Section 301.003, Property Code, is amended by amending Subdivision (6) and adding Subdivisions (9-a), (9-b), and (10-a) to read as follows:

(6) "Disability" means a mental or physical impairment that substantially limits at least one major life activity, a record of the impairment, or being regarded as having the impairment. The term does not include current illegal use of or addiction to any drug or illegal or federally controlled substance [~~and does not apply to an individual because of an individual's sexual orientation or because that individual is a transvestite~~].

(9-a) "Gender identity" means the gender-related identity, appearance, or other gender-related characteristics of an individual with or without regard to the individual's designated sex at birth.

(9-b) "Military veteran" means a person who:

(A) has served in:

(i) the armed forces of the United States or the United States Public Health Service under 42 U.S.C. Section 201 et seq.;

(ii) the state military forces, as defined by Section 431.001, Government Code; or

(iii) an auxiliary service of a branch of the armed forces described by Subparagraph (i) or (ii); and

(B) has been honorably discharged from the branch of the service in which the person served.

(10-a) "Sexual orientation" means an individual's actual or perceived heterosexuality, bisexuality, or homosexuality.



SECTION \_\_\_\_\_. Sections 301.021(a) and (b), Property Code, are amended to read as follows:

(a) A person may not refuse to sell or rent, after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or in any other manner make unavailable or deny a dwelling to another because of race, color, religion, sex, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity, or because of status as a military veteran.

(b) A person may not discriminate against another in the terms, conditions, or privileges of sale or rental of a dwelling or in providing services or facilities in connection with a sale or rental of a dwelling because of race, color, religion, sex, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity, or because of status as a military veteran.

SECTION \_\_\_\_\_. Section 301.022, Property Code, is amended to read as follows:

Sec. 301.022. PUBLICATION. A person may not make, print, or publish or effect the making, printing, or publishing of a notice, statement, or advertisement that is about the sale or rental of a dwelling and that indicates any preference, limitation, or discrimination or the intention to make a preference, limitation, or discrimination because of race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity, or because of status as a military veteran.

SECTION \_\_\_\_\_. Section 301.023, Property Code, is amended to read as follows:

Sec. 301.023. INSPECTION. A person may not represent to another because of race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity, or because of status as a military veteran, that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection.

SECTION \_\_\_\_\_. Section 301.024, Property Code, is amended to read as follows:

Sec. 301.024. ENTRY INTO NEIGHBORHOOD. A person may not, for profit, induce or attempt to induce another to sell or rent a

dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity or with the status of a military veteran.

SECTION \_\_\_\_\_. Section 301.026(a), Property Code, is amended to read as follows:

(a) A person whose business includes engaging in residential real estate related transactions may not discriminate against another in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity, or because of status as a military veteran.

SECTION \_\_\_\_\_. Section 301.027, Property Code, is amended to read as follows:

Sec. 301.027. BROKERAGE SERVICES. A person may not deny another access to, or membership or participation in, a multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity, or because of status as a military veteran.

SECTION \_\_\_\_\_. Sections 301.042(a) and (c), Property Code, are amended to read as follows:

(a) This chapter does not prohibit a religious organization, association, or society or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from:

(1) limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to persons of the same religion; or

(2) giving preference to persons of the same religion,

unless membership in the religion is restricted because of race, color, ~~[or]~~ national origin, sexual orientation, or gender identity, or because of status as a military veteran.

(c) This chapter does not prohibit a person engaged in the business of furnishing appraisals of real property from considering in those appraisals factors other than race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity, or status as a military veteran.

SECTION \_\_\_\_\_. Section 301.068, Property Code, is amended to read as follows:

Sec. 301.068. REFERRAL TO MUNICIPALITY. (a) Subject to Subsection (b), the ~~[The]~~ commission may defer proceedings under this chapter and refer a complaint to a municipality that has been certified by the federal Department of Housing and Urban Development as a substantially equivalent fair housing agency.

(b) The commission may not defer proceedings and refer a complaint under Subsection (a) to a municipality in which the alleged discrimination occurred if:

(1) the complaint alleges discrimination based on sexual orientation or gender identity or based on status as a military veteran; and

(2) the municipality does not have laws prohibiting the alleged discrimination.

SECTION \_\_\_\_\_. Section 301.171(a), Property Code, is amended to read as follows:

(a) A person commits an offense if the person, without regard to whether the person is acting under color of law, by force or threat of force intentionally intimidates or interferes with a person:

(1) because of the person's race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity, or because of the person's status as a military veteran and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling or applying for or participating in a service, organization, or facility relating to the business of

selling or renting dwellings; or

(2) because the person is or has been or to intimidate the person from:

(A) participating, without discrimination because of race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity, or because of status as a military veteran, in an activity, service, organization, or facility described by Subdivision (1); ~~[or]~~

(B) affording another person opportunity or protection to so participate; or

(C) lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, religion, sex, disability, familial status, ~~[or]~~ national origin, sexual orientation, or gender identity, or because of status as a military veteran, in an activity, service, organization, or facility described by Subdivision (1).

SECTION \_\_\_\_\_. (a) The changes in law made by this Act to the Business & Commerce Code and the Labor Code apply to conduct occurring on or after September 1, 2025. Conduct occurring before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act to the Property Code apply only to a complaint filed with the Texas Workforce Commission on or after September 1, 2025. A complaint filed before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.